

HOUSE BILL NO. 98

INTRODUCED BY YARDLEY

BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

January 5, 1983	Introduced and referred to Committee on Natural Resources.
January 19, 1983	Committee recommend bill do pass as amended. Report adopted.
January 20, 1983	Bill printed and placed on members' desks.
January 21, 1983	Second reading, do pass.
January 22, 1983	Considered correctly engrossed.
January 24, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 25, 1983	Introduced and referred to Committee on Highways and Transportation.
February 2, 1983	Committee recommend bill be concurred in. Report adopted.
February 7, 1983	Second reading, concurred in.
February 9, 1983	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

February 9, 1983	Returned to House.
February 10, 1983	Sent to enrolling. Reported correctly enrolled.

House BILL NO. 98

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A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE  
DISTINCTION BETWEEN STANDARDS APPLICABLE TO A NEW MOTOR  
VEHICLE WRECKING FACILITY AND THOSE APPLICABLE TO A MOTOR  
VEHICLE WRECKING FACILITY EXISTING PRIOR TO JULY 1, 1973;  
SIMPLIFYING THE DEFINITION OF JUNK VEHICLE; AMENDING  
SECTIONS 75-10-501, 75-10-503, AND 75-10-504, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-10-501, MCA, is amended to read:

"75-10-501. Definitions. Unless the context requires  
otherwise, in this part the following definitions apply:

(1) "Board" means the board of health and  
environmental sciences provided for in 2-15-2104.

(2) "Department" means the department of health and  
environmental sciences provided for in Title 2, chapter 15,  
part 21.

(3) "Junk vehicle" means a discarded, ruined, wrecked,  
or dismantled motor vehicle, including component parts, or a  
~~vehicle substantially changed in form by removal of parts or~~  
~~component materials and~~ which is not lawfully and validly

licensed and remains inoperative or incapable of being  
driven.

(4) "Motor vehicle graveyard" means a collection point  
established by a county for junk motor vehicles prior to  
their disposal.

(5) "Motor vehicle wrecking facility" means:

(a) a facility buying, selling, or dealing in four or  
more vehicles per year, of a type required to be licensed,  
for the purpose of wrecking, dismantling, disassembling, or  
substantially changing the form of the motor vehicle; or

(b) a facility which buys or sells integral secondhand  
parts or component material thereof, in whole or in part,  
and deals in secondhand motor vehicle parts. A facility  
which buys or sells integral secondhand parts or component  
material of a motor vehicle, in whole or in part, is a motor  
vehicle wrecking facility whether or not the buying or  
selling price is based upon weight or any other type of  
classification. The term does not include a garage where  
wrecked or disabled motor vehicles are temporarily stored  
for a reasonable period of time for inspection, repairs, or  
subsequent removal to a junkyard.

(6) "Person" means any individual, firm, partnership,  
company, association, corporation, city, town, local  
governmental entity, or any other governmental or private  
entity, whether organized for profit or not.

(7) "Public view" means any point 6 feet above the surface of the center of a public road from which junk vehicles can be seen.

(8) "Shielding" means the construction or use of fencing or manmade or natural barriers to conceal junk vehicles from public view."

Section 2. Section 75-10-503, MCA, is amended to read:

"75-10-503. Adoption of rules. The department shall adopt rules necessary for the administration of this part, except 75-10-520, including but not limited to rules pertaining to:

(1) the establishment, control, operation, and licensing of motor vehicle wrecking facilities and graveyards;

(2) the control of junk vehicles in locations other than motor vehicle wrecking facilities and graveyards;

(3) the inspection and evaluation of premises and records subject to or required by this part;

(4) the development of budget and fiscal forms and procedures for counties;

(5) the review, approval, and control procedures for county motor vehicle graveyards developed under this part; and

(6) the shielding of a junk vehicle and motor vehicle wrecking facility and graveyard from public view. The

department may not adopt a rule which requires the construction of any motor vehicle wrecking facility that existed prior to July 1, 1973, and has been continuously utilized thereafter as a motor vehicle wrecking facility to construct a fence or manmade barrier which would be in excess of 12 feet in height."

Section 3. Section 75-10-504, MCA, is amended to read:

"75-10-504. Shielding -- new facility. A new motor vehicle wrecking facility or graveyard site established or proposed on or after July 1, 1973, may not be approved for use or licensed if the proposed facility cannot be shielded from public view. The prohibition concerning approval of a new motor vehicle wrecking facility site does not apply to a facility site that has been used as such within the preceding 18 months."

NEW SECTION. Section 4. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this act.

NEW SECTION. Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

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Approved by Committee  
on Natural Resources

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~~component--materials--and~~ which is not lawfully and validly

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(4) "Motor vehicle graveyard" means a collection point  
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(5) "Motor vehicle wrecking facility" means:

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subsequent removal to a junkyard.

(6) "Person" means any individual, firm, partnership,  
company, association, corporation, city, town, local  
governmental entity, or any other governmental or private  
entity, whether organized for profit or not.

(7) "Public view" means any point 6 feet above the surface of the center of a public road from which junk vehicles can be seen.

(8) "Shielding" means the construction or use of fencing or manmade or natural barriers to conceal junk vehicles from public view."

Section 2. Section 75-10-503, MCA, is amended to read:

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department may not adopt a rule which requires the construction--of any motor vehicle wrecking facility that existed prior to July 1, 1973, and has been continuously utilized thereafter as a motor vehicle wrecking facility to construct a fence or manmade barrier which would be in excess of 12 feet in height."

Section 3. Section 75-10-504, MCA, is amended to read:

"75-10-504. Shielding -- new facility. A new motor vehicle wrecking facility or graveyard site established or proposed on or after July 1, 1973, may not be approved for use or licensed if the proposed facility cannot be shielded from public view ON THE DATE IT IS INITIALLY ESTABLISHED OR PROPOSED TO THE DEPARTMENT FOR LICENSURE. THE PROHIBITION CONCERNING APPROVAL OF A NEW MOTOR VEHICLE WRECKING FACILITY OR GRAVEYARD SITE DOES NOT APPLY TO A FACILITY SITE THAT WAS LICENSED AS SUCH AT ANY TIME WITHIN THE 18 MONTHS IMMEDIATELY PRECEDING THE DATE AN APPLICATION IS MADE FOR LICENSURE OF SUCH SITE. ~~The prohibition concerning approval of a new motor vehicle wrecking facility site does not apply to a facility site that has been used as such within the preceding 18 months.~~"

NEW SECTION. Section 4. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this act.

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2        this act is invalid, all valid parts that are severable from  
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